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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,563	10/05/1999	LEO K. VAN ROMUNDE	KOB10	6102

7590 09/03/2003

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EXAMINER
ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/402,563	Applicant(s) VAN ROMUNDE, ET AL	
	Examiner Akiba K Robinson-Boyce	Art Unit 3623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires *4* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☒ A Notice of Appeal was filed on *06 May 2003*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. aub 9/4/03

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *1-3,5-14,16 and 17*.

Claim(s) withdrawn from consideration: _____.

8.☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10.☐ Other: _____

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 5. does NOT place the application in condition for allowance because: the applicant argues that prior art does not teach the use of commercial LOTUS NOTES and/or LOTUS DOMINO NOTES software as set forth in claim 11. However, as noted in the rejection, these applications are repeatedly used as steering solutions in the electronic document maintenance art. In addition, McIlroy already teaches the use of an application program as steering software in Col. 5, lines 43-46, thereby making LOTUS NOTES and/or LOTUS DOMINO NOTES an inherent addition to the claim. The use of LOTUS NOTES and/or LOTUS DOMINO NOTES as the application program therefore does not make the claim patentably distinct. The applicant also argues that McIlroy does not anticipate independent claims 1 and 12 because the question/answer component is not "at least one recorded catalouge of recommended actions" comprised of "hierarchised sequences of alternative actions". However,in Col. 7, lines 45-53, McIlroy discloses a Diagnosis-based guideline. As presented by McIlroy, this guideline must be a step by step algorithm that can be coded, therefore making it recordable. In addition, these guidelines of McIlroy present an assessment phase and a final recommendation phase, which present recommendations to the patient. As per the hierarchised sequence of alternative solutions, this limitation is discussed in McIlroy et al in Col. 5, lines 11-20 where it discloses that alternative treatments can be determined based on user identifiable patient characteristics specific to that patient. Since these alternative treatments are determined as the user is guided through the logical sequence of questions related to specified health care conditions, the alternative treatment recommendations are therefore directed towards the healthcare condition of the patient and are presented in accordance with the best treatment match per condition and therefore the most valuable treatments will be presented first.In addition, the applicant argues that McIlroy et al does not disclose a subform. However, Fig.s 10 and 11 show two forms. Fig. 11 comes from and is embedded in Fig. 10 since clicking on a specific element in the Fig. 10 form results in the Fig. 11 form. Also, these forms are in a windows format, therefore, one must not view them separately. The applicant also argues that the treatment option phase of McIlroy et al presents alternative actions but does not generate any forms for each sequential steps of a treatment option. However,, Fig. 9B shows that during the theraputic selection phase, there are multiple forms generated for each step during the phase. In addition, the applicant argues that neither the entry phase and the question phase of McIlroy et al correspond to the sequence of alternative actions since, according to applicant, neither phase is comprised of sequences of alternative acitons. However, as discussed above, sequences of alternative acitons are disclosed and therefore also the entry phase and the question phase. In addition, since it has been disclosed that the question component is a recorded catalogue of recommended actions/hierarchised sequence of alternative acitons, then the generation of evaluation forms in function of the past history of actions in Col. 6, line 64-Col. 7, line 6 of McIlroy et al is valid. In addition, the applicant argues that McIlroy et al does not disclose the transfer of a group of evaluation forms and subforms in one operation into one file. However in Col. 11, lines 52-67 of McIlroy et al, it is disclosed that all information on a patient according to a selected guidline is in a single file. In addition, the aplicant srgues that McIlroy does not disclose electronic selection algorithms in respect of the hierarchised sequences of alternative actions. However, in McIlroy, the user selects the guideline which is disclosed as a definite setp by step algorithm in Col. 7, lines 45-50. In addition, all other claims that depend on the independent claims 1 and 12 are also rejected for the same reasons.